

**CARMEL MOUNTAIN RANCH/SABRE SPRINGS COMMUNITY COMMITTEE**  
**MEETING MINUTES**  
 May 13, 2015

A meeting of the CMRCC was held at the Carmel Mountain Ranch Branch Library on May 13, 2015. Eric Edelman, Chairman, called the meeting to order at 6:30 pm. Official business was conducted as reported below.

Members Present	Members Absent
Dave Booher Cyndie Bradley Barbara Finn Eric Edelman Anne Chang Sam Rasoul After approval of agenda and minutes: Ester Berry	Kurt Carlson Laurie Marcus Michael Nelson Rachele Melious

Call to order and welcome by the Chairman – Eric Edelman

- I. Agenda – approval motioned and seconded; 6 yes, 0 no, 0 abstentions (agenda approved)
- II. Introduction of Board Members.
- III. Approval of minutes from March, 2015, (5 yes, 0 no, 1 abstention: Dave did not attend the March meeting [minutes approved]);
- IV. Chair Report – New by-laws: will be distributed for vote on the next meeting
- V. Public comment - Brian Brady from Carmel Valley – encouraged the CMRSSCC to remain neutral on the Paseo One project [The Chairman had been contacted by the pro-Paseo One project group prior to the meeting, but they chose to not attend].
- VI. CMRCC business.
  - a. Police Officer Kwiatkowski and Officer Santos - filling in for Shannon: Feb 2015 – 1 commercial burglary; 2 residential burglaries (one day/one night – Tradition street; came in through the back yard; drainage ditch in the back [typically an empty space/canyon]) – cars are usually parked about a block away; good to use surveillance video to identify the person; not bothering them by reporting; note that they can use something to break the door/glass; if anything out of place, report it...(See Attachment 1 and 2); people should not be soliciting after 8 pm; need to have a license/lanyard; oversize vehicle – large semis, RVs; no parking from 2 AM and 6 AM; city allows X# days/year to allow it to be parked outside; you can get a permit for X dollars (see city web site: <http://www.sandiego.gov/parking/permits/torvp/>); if it within 50 ft. of a stop sign (24 hours/day call 619-539-2000); 5 vehicle tampering; Carmel Mountain Next Door will have good notification of suspicious activity; if you see someone going over the fence or breaking into someone’s car/window call 911; all others suspicious activity, call non-emergency number; be careful who you chat up; the Captain and the Chief live in the community; CMR and SS have a lot lower crime than other areas; one of the best city neighborhoods in the city in re: residential crime. In response to a question about anything precluding street surveillance – only issue is if it is going to be attached to city property; camera with primary focus on your property is no problem; police are looking into the possibility of signage noting video surveillance (even if it is not present); when asked if it is illegal to point your camera to your neighbor’s yard? Might be a civil issue as opposed to a criminal issue; Northeastern San Diego will be one of the last areas to get cameras (August is probable for the Northeastern district); overall, the police are pro-body cameras.
  - b. CMR Fire Station – not here.
  - c. Congressman Scott Peters (Hugo Carmona) – Not here

- d. Senator Joel Anderson (Ed Smith) – Not here
  - e. Assemblyman Brian Maienschein (Michael Lieberman) – ACR 63 – Route 15 Scripps Poway Parkway to Pomerado on 15 will be designated as Tony Gwynn Highway.
  - f. Supervisor Dave Roberts (representative TBD) – Not here.
  - g. Councilman Mark Kersey (Lee Friedman) – not here
  - h. San Diego Planning Dept. Tony Kempton: re-purposing of the transit center for a dog park - planning department working on it and will have an answer next meeting [COW workshop May 16, 8-noon or electronic training on line]; training for chairs on June 30.
  - i. Mayor Kevin Faulconer (John Ly): Not here
- VII. Chair's Report: None
- VIII. Old Business: none
- j. New Business: by-laws; many are administrative, but some are changes that require discussion; will try to abide by them; May meeting: will plan to have revisions out to all; question was asked if attendance at a meeting could be brought in via computer means - planning group representative will check, but the basic premise for the planning committees is that members are local to the discussions.
  - k. Action Items: none
- IX. Adjournment at 7:06 PM.

**Next meeting July 8, 2015, 6:30PM**

(Meeting Minutes to be completed and then emailed to

[SDplanninggroups@sandiego.gov](mailto:SDplanninggroups@sandiego.gov), [TKempton@sandiego.gov](mailto:TKempton@sandiego.gov), group/office representatives and [gfairley@waltersmanagement.com](mailto:gfairley@waltersmanagement.com), along with the other Council members.)

Neighborhood Parking Protection Ordinance (NPPO) sometimes referred to as the Oversized Vehicle Ordinance (OVO).

There has been some confusion and frustration expressed regarding the Oversized Vehicle Ordinance. I hope to shed some light on the subject as well as give you direction on how to report these violations.

The Neighborhood Parking Protection Ordinance (NPPO) creates safer streets and neighborhoods through minimizing the negative effects of oversized vehicles, such as RVs, trailers, and boats, parking on public streets. Specifically, Municipal Code section 86.0139(a) prohibits oversized, non-motorized and recreational vehicles from parking on public streets between the hours of 2:00a.m. - 6:00 a.m. Section 86.0139(b) prohibits parking any such vehicle within fifty (50) feet of an intersection at any time.

Oversized vehicle definition (SDMC 81.0102): "any vehicle including any attached trailers, vehicles or loads thereon that exceeds 27 feet in length and 7 feet in height" (excludes recreational vehicles).

Non-motorized vehicle definition (SDMC 81.0102): "any trailer or trailer bus as defined in vehicle code section 630 and 636."

Through a permitting process, City of San Diego residents may obtain a Temporary Overnight Recreational Vehicle Permit (TORVP) online, which will allow for the overnight parking of recreational vehicles only on the resident's block. TORVP's cannot be issued to oversized and/or non-motorized vehicles.

Recreational vehicle definition (SDMC 81.0102): " (a) any camp trailer, camper, trailer coach, or house car , as defined in Vehicle Code sections 242, 243, 635 or California Health and safety Code Section 18010; or (b) any boat, dune buggy, all terrain(ATV) or other motorized or towed vehicle designed, maintained, or used primarily for recreational purposes."

Citations may be issued for violations of Section 86.0139(a) when a prior warning has been issued and verified. No prior warning is required prior to enforcing Section 86.0139(b) through the issuance of a citation. **Vehicles violating the Oversized Vehicle Ordinance cannot be towed for that violation. Citations are the only current means of enforcement.**

Exemption for Disabled Placards- Recreational or oversized vehicles displaying disabled placards may be exempt from the NPPO if the disabled placard or plate is assigned to the recreational or oversized vehicle. However, if the disabled placard is not assigned to the registered owner of the vehicle, a citation for 86.0139(a) shall be issued.

Please see City of San Diego website for further details:  
<http://www.sandiego.gov/parking/permits/torvp/index.shtml>

If you would like to report a violation, please call SDPD Communications at 619-531-2000 or 858-484-3154, an incident will be generated. Depending on the time of day, the dispatcher will either hold the call for a patrol officer or a PISO (Police Investigative Service Officer) to respond. In regards to the 2am-6am violation, it will be evaluated during those hours. Again, citizens can call during the day but

### CURB PAINTERS:

**SDMC 62.0701** Curbs — Regulations for Painting Street Numbers (Regulatory-Notice of Violation)  
The occupant of a residence may at his own expense paint or have painted the street number of such residence on the curb. No person other than the occupant shall paint street numbers upon the curb unless he shall first have permission of the occupant of the residence for which the numbers are proposed to be painted. No person shall solicit for the painting of street numbers on curbs unless they have registered with the Police Department as a solicitor. Street numbers painted upon curbs shall meet the following:  
(a) Street numbers may be painted only upon the vertical  
(b) Numbers shall be block numbers and shall be four inches in height with a stroke width of not less than one-half inch. The numbers shall be black and shall be painted on a yellow background. The background shall be of sufficient dimensions to provide a one-inch margin around all figures.  
(c) All paint used for painting of street numbers on curbs shall be of good quality and shall conform to or be equal to standard City specifications for traffic paint.  
(d) Under no circumstances shall the City be responsible for maintenance or replacement of street #'s painted on curbs.

### PUSHCARTS/MOBILE FOOD UNITS:

No person shall sell, offer for sale, or distribute perishable food from door to door or from place to place by hand carrying such food on his person or in a container, transporting such food by means of a handcart, pushcart or bicycle cart, or by carrying or transporting such food in any other type of vehicle propelled by muscular power either human or animal (**SDMC 42.0101.2**). The small pushcarts utilized by some ice cream peddlers vendors are prohibited, mobile food units (pushcarts) must sell from a fixed location and cannot operate from a public right of way (**SDMC 42.0166c**) except pushcarts approved by the Development Services Business Center which are only allowed on public property in the Downtown Central Business District and Old Town. In all other locations, they must be in an area, which allows commercial uses, on private property, subject to zoning review and approval. Pushcarts must also possess a current health permit and business tax certificate. All mobile food units/pushcarts shall operate from a fixed location within 25 feet of a building in which are located toilets and washrooms. Written permission for the operators of the mobile food units to use the toilet facilities within the building shall be placed on file with the Department of Health Services, and the mobile food unit shall not be operated at any time that the mobile food unit operator does not have free access to the toilet facilities.

### SOLICITOR MOST APPLICABLE SECTIONS:

- **SDMC-31.0121**-Business Tax Certificate Required (Misdemeanor) (Business Owner Only)
- **SDMC-33.0101**-Police Permit (Misdemeanor)
- **SDMC-31.0127(b)**-Possession of a Business Tax Certificate (Regulatory)
- **SDMC-33.1402**-Possession of a Solicitor's Permit Card (Employee) (Regulatory)
- **SDMC-33.1406**-Prohibited areas of Solicitation (Regulatory)
- **SDMC-41.03**-Health Permit Required (Regulatory)
- **SDMC-42.0101.2**- Perishable Food Prohibited (Regulatory)  
(a) by hand-carrying such food on his person or in a container  
(b) by transporting such food by means of handcart, pushcart or bicycle cart  
(c) by carrying or transporting such food in any other type of vehicle propelled by muscular power either human or animal
- **SDMC-54.0105(a)**-Illegal to display Merchandise on sidewalk (Regulatory)
- **SDMC-54.0122(c)**-Vending Vehicles can stop only long enough to make a sale or while patrons are in line (Regulatory)
- **SDMC-54.0122(g)**-Illegal to sell within 500 ft of a school between 7am-4pm on school days (Regulatory)
- **SDMC-59.5.0807**-Must have a Sound License (Regulatory)
- **SDMC-59.5.0810**-Possession of a Sound License (Regulatory)
- **SDMC-42.0161(b)**-Selling or displaying of BB guns, imitation firearms, and toy guns (Criminal/Regulatory)
- **CVC-4462(b)**-Operating Commercial vehicle with passenger plates
- **PC-12550(c)**-Imitation Firearm (Misdemeanor)
- **PC-12551**-Sell BB device to a minor (Misdemeanor)

### TRAFFIC VIOLATIONS:

- **CVC-22526(A)**-Blocking Intersection/Blocking Traffic-SD Traffic Court no time
- **CVC-85.05**-Obstructing Street-SD Traffic Court no time
- **CVC-27007**-Loud Music-SD Traffic Court no time

### PARKING VIOLATIONS:

- **CVC-22500(a)**- Obstructing Traffic #21
- **CVC-22500 (c)**-Safety Zones, Signs, Red Curbs #17
- **CVC-22500(h)**-Double Parking #22
- **CVC-22514**-Fire Hydrant #14
- **CVC-5204(a)**-Current Registration not displayed
- **SDMC-86.02**- Out of Stall #36
- **SDMC-89.09(e)**-Red Zone #7

## SAN DIEGO POLICE DEPARTMENT Vice Permits and Licensing



- Vice Admin Phone-619-531-2450
- Vice Admin-Fax-619-531-2449
- Business Tax Certificate-619-615-1500
- Health Permit-619-338-2222
- Sound Permit-858-505-6666
- Fictitious Names-619-237-0502



### Rules and Regulations

- Solicitors
- Ice Cream /Candy Vendors
- Imitation Firearms
- Prohibited Areas
- Curb Painters
- Push Carts/Mobile Food Units
- Solicitor Violations
- Traffic Violations
- Parking Violations

Officer Cindy Meyer 619-531-2436  
cmeyer@pd.sandiego.gov

## SOLICITORS

A solicitor is a person who goes from house to house, business to business, without an appointment, or to one house, street, sidewalk, alley, plaza, park, public place, by foot or vehicle, who sells or solicits for value of goods. They may work for themselves or for a business.

1. All persons working as interviewers, solicitors, peddlers or vendors of merchandise, services, magazines, etc. are required to obtain a Police Registration Card. When operating, the card MUST be displayed on the front of their person, and they MUST exhibit the card to any peace officer upon demand (SDMC 33.1402).
2. All solicitors MUST have a City of San Diego Business Tax Certificate or be employed by a licensed business. You may obtain a Business Tax Certificate at the City Treasurer's Office.
3. All self employed solicitors selling taxable property MUST obtain a Sellers Permit from the State of California, Board of Equalization, and file a fictitious name with the County Clerk (1600 Pacific Highway) if the business name is other than their own.
4. It is unlawful for ANY person to ring the doorbell of a residence, rap or knock on any door, or create any sound in a manner calculated to attract attention for the purpose of engaging in activity as a solicitor or interviewer if the occupants have posted on the premises "no solicitors." (SDMC 33.1409).
5. NO PERSON shall operate as a solicitor between the hours of 8:00 p.m. to 9:00 a.m.] except by appointment (SDMC 33.1410).
6. JUVENILES: No person under 14 years of age will be issued a Registration Card (SDMC 33.1405). Persons under 18 years of age are required to have a work permit from the school district in which they attend.
7. California Civil Code, Section 1689 requires solicitors to provide a contract to buyers allowing a "3-day cooling-off period" for sales of \$25.00 or more.
8. Business & Professions Code, Section 17500 makes it illegal to misrepresent or falsely advertise ANY product or service.
9. 532(d) PC makes it a misdemeanor to make false representation in solicitation of charitable contributions.
10. Information for Non-Profit Organizations: It is suggested that a solicitor, peddler or interviewer for a non-profit organization possess an identification card, and a letter on the organization letterhead authorizing the solicitor, peddler or interviewer as a representative of the organization. The letter should include a name and a telephone number of an employee of the organization. It is also suggested that the solicitor, peddler or interviewer carry a copy of the non-profit status letter from the State Franchise Tax Board and the IRS.

## ICE CREAM/CANDY VENDORS

Must provide a current City Solicitor Permit, Health permit, Sound permit, Business Tax Certificate, and a fictitious name, if the business name is other than their own. All self employed solicitors selling taxable property must obtain a Sellers Permit from the State of California.

Owners and Employees must have a visible solicitor's permit on their person. The health permit must be affixed to the windshield of the truck. The business tax certificate and sound permit must be in the truck.

You are not permitted to set up on a city street and must keep moving until stopped by a customer. No food, beverage, merchandise or services shall be sold or distributed or offered for sale or distributed from a vehicle on a street or highway unless the vehicle is first lawfully parked or stopped and then remains for no longer a period of time than is necessary to complete the "immediate sale. An operator is considered to be engaged in an "immediate sale" when there are patrons waiting in line for service. Operators of such vehicles shall maintain a minimum clear space often (10) feet both in front of and behind the vehicle to allow for pedestrian safety and safe sight distance for approaching motorists. No sales or distribution shall be made when the designated minimum clear space often (10) feet does not exist. You are not permitted to stop within 500 feet of a school between the hours of 7:00 a.m. and 4:00 p.m. on school days.

The only sounds permitted from your truck are music and human speech, which shall not be profane, lewd, indecent, or slanderous. Sound shall not be issued within 100 yards of hospitals, schools, churches, or courthouses. No truck with its amplifying device in operation shall be driven on the same street past the same point more than twice in a period of one hour. The volume of sound shall be controlled so the volume is not unreasonably loud, raucous, jarring, disturbing, or a nuisance to persons within the area of audibility. You can only operate between the hours of 9:00 a.m. and 8:00 p.m.



## IMITATION FIREARMS

It is illegal for anyone to sell or furnish a minor with a BB device without the express or implied permission of the parent or legal guardian of the minor, i.e. Air Soft, Daisy etc.; doing so will result in the issuance of a misdemeanor citation. It is the responsibility of each vender who chooses to offer any imitation firearm or BB device as an inventory item to ensure each BB device manufactured after July 1, 2005 is accompanied by a conspicuous advisory in writing as part of the packaging.

### Regulations for Imitation Firearms (12550-56 PC)

**12550(c)** "Imitation Firearm" means any BB device, toy gun, replica of a firearm, or other device that is so substantially similar in coloration and overall appearance to an existing firearm as to lead a reasonable person to perceive that the device is a firearm.

**12551.** Every person who sells to a minor any BB device is guilty of a misdemeanor.

**12552. (a)** Every person who furnishes any BB device to any minor, without the express or implied permission of the parent or legal guardian of the minor, is guilty of a misdemeanor.

### PROHIBITED AREAS FOR SOLICITING

It is a misdemeanor for any person to solicit, except regularly published newspapers, upon any city of SD street, sidewalk, alley, plaza or in any park or public places within the following areas:

1. Public Parks, Beaches or Beach Areas (SDMC 63.02.13).
2. Tidelands of San Diego Bay except by permit issued by the Unified Port District.
3. And the areas listed below:
  - a. That territory lying between the San Diego Bay and streets designated as the Central Business District.
  - b. That territory lying westerly of the easterly line of Prospect Street, between the northerly line of Cave Street and the southerly line of Cuvier Street in the La Jolla Business District.
  - c. That territory lying westerly of the San Diego and Arizona Eastern Railroad right-of-way, northerly from the International Border and easterly from Virginia Avenue to a point where the prolongation of Virginia Avenue intersects with the San Diego and Arizona Eastern Railroad right of way in the San Ysidro Business District.

**Maps Upon Request**

Carmel Mountain Ranch/Sabre Springs Community Committee (CMRSSCC)

Amended August 27, 2013

Revisions prepared June 29, 2015

ARTICLE I Name

- Section 1. The official name of this organization is the Carmel Mountain Ranch/Sabre Springs Community Committee (CMRSSCC).
- Section 2. All activities of this organization shall be conducted in its official name.
- Section 3. The community planning area boundaries for the CMRSSCC are the boundaries of the Carmel Mountain Ranch/ Sabre Springs communities, as shown on Exhibit "A".
- Section 4. Meetings of the CMRSSCC shall be held within these boundaries, except that when the CMRSSCC does not have a meeting facility within its boundary that is accessible to all members of the public, they may meet at the closest meeting facility.
- Section 5. The official positions and opinions of the CMRSSCC shall not be established or determined by any organization other than the planning group, nor by any individual member of the planning group other than one authorized to do so by the planning group.

ARTICLE II Purpose of Community Planning Group and General Provisions

- Section 1. The CMRSSCC has been formed and recognized by the City Council to make recommendations to the City Council, Planning Commission, City staff, and other governmental agencies on land use matters, specifically concerning the preparation of, adoption of, implementation of, or amendment to, the General Plan or a land use plan, when a plan relates to the Carmel Mountain Ranch/Sabre Springs communities' boundaries. The planning group also advises on other land use matters as requested by the City or other governmental agency as detailed in Council Policy 600-24, Article II: Purpose of Community Planning Groups and General Provisions.
- Section 2. In reviewing individual development projects, the CMRSSCC should focus such review on conformance with the Land Development Code and the adopted community plan and/or the General Plan. Preliminary comments on projects may be submitted to the City during the project review process. Whenever possible, the formal planning group recommendation should be submitted no later than the end of the public review period offered by the environmental review process. Upon receipt of plans for projects with substantive revisions, the planning group may choose to rehear the project and may choose to provide a subsequent formal recommendation to the City.

- Section 3. All activities of the CMRSSCC shall be nonpartisan and nonsectarian and shall not discriminate against any person or persons by reason of race, color, sex, age, creed or national origin, or sexual orientation, or physical or mental disability. In addition, meeting facilities must be accessible to disabled persons.
- Section 4. The CMRSSCC shall not take part in, officially or unofficially, or lend its influence in the election of any candidate for political office. Elected members shall not identify affiliation with a planning group when endorsing candidates for public office. The planning group may take a position on a ballot measure.
- Section 5. Pursuant to the provisions of City Council Policy 600-5, the CMRSSCC's failure to respond to the City's request for input on the preparation of, adoption of, implementation of, or amendment to, the General Plan or a community, precise, or specific plan, or failure to review and reply to the City in a timely manner on development projects shall result in the forfeiture of rights to represent the Carmel Mountain Ranch/Sabre Springs community for these purposes. Such a determination resulting in the forfeiture of rights to represent the community for these purposes shall be made only by the City Council upon the recommendation of the Mayor's Office.
- Section 6. The CMRSSCC operates under the authority of the Ralph M. Brown Act, which requires that meetings of the planning group are open and accessible to the public. In addition, Council Policy 600-24 "Standard Operating Procedures and Responsibilities of Recognized Community Planning Groups" and these bylaws govern the operations of the planning group. Several provisions of these bylaws constitute Brown Act requirements as outlined in the Policy. Amendments to Council Policy 600-24 will apply to the CMRSSCC, as well as to all other community planning groups, even if individual groups' bylaws are not required to be amended with parallel language.
- In addition, the Administrative Guidelines provide explanations of the Policy's minimum standard operating procedures and responsibilities of this planning group. The latest version of Robert's Rules of Order - Newly Revised is used when the Policy, the Administrative Guidelines, and these bylaws do not address an area of concern or interest.
- Section 7. The CMRSSCC may propose amendments to these bylaws by a two-thirds majority vote of the voting elected members of the planning group. Proposed amendments shall be submitted to the offices of the Mayor and City Attorney for review and approval. Any proposed amendments that are inconsistent with Council Policy 600-24 shall not be approved by the Mayor and City Attorney and shall be forwarded to the City Council President who shall docket the matter for Council consideration. Bylaws amendments are not valid until approved by the City.

ARTICLE III Community Planning Group Organizations

Section 1. The CMRSSCC shall consist of 15 elected members to represent the community. These members of the planning group shall constitute the officially recognized community planning group for the purpose of these bylaws and Council Policy 600-24.

Section 2. Council Policy 600-24 requires that elected members of the CMRSSCC shall, to the extent possible, be representative of the various geographic sections of the community and diversified community interests. The CMRSSCC elected seats are filled by distribution of seats among the following interests that represent the community: 12 seats for residents, and 3 seats for business representatives.

Planning group members shall be elected by and from eligible members of the community. To be an eligible community member an individual must be at least 18 years of age, and shall be affiliated with the community as:

(1) A property owner, who is an individual identified as the sole or partial owner of record, or their designee, of a real property (either developed or undeveloped), within the community planning area, or

(2) A resident, who is an individual whose primary address of residence is an address in the community planning area, or

(3) A local business person, who is a local business or not-for-profit owner, operator, or designee at a non-residential real property address in the community planning area; **only one representative of a particular establishment may hold a seat on the CMRSSCC at one time.**

An individual may become an eligible member of the community by attending two meetings of the CMRSSCC and documented by meeting attendance prior to the March general election.

Once eligibility to vote is established, an individual remains an eligible member of the community until a determination is made that the individual does not meet the planning group's criteria and formal action is taken by the planning group. However, the CMRSSCC shall require proof of eligibility during elections.

Section 3. Members of the CMRSSCC shall be elected to serve for fixed terms of 2 years with expiration dates during alternate years to provide continuity. No person may serve on the planning group for more than eight consecutive years. The eight year limit refers to total maximum consecutive years of service time, not to individual seats held.

After a one-year break in service as a planning group member, an individual who had served for eight consecutive years shall again be eligible for election to the planning group.

The planning group will actively seek new members to the extent feasible. If not enough new members are found to fill all vacant seats the planning group may retain



some members who have already served for eight consecutive years to continue on the planning group without a break in service. Refer to Council Policy 600-24 Article III, Section 4 for further clarification.

Section 4. A member of the CMRSSCC must retain eligibility during the entire term of service.

Section 5. A member of the CMRSSCC found to be out of compliance with the provisions of Council Policy 600-24 or the planning groups adopted bylaws risks loss of defense and indemnification [legal protection and representation] pursuant to Ordinance No. 0-1708619883 NS, and any future amendments thereto.

Section 6. Some provisions of these bylaws constitute requirements under the Brown Act, as outlined in Council Policy 600-24. A member of the CMRSSCC who participates in a meeting of the planning group where actions are alleged to have been in violation of the Brown Act may be subject to civil or criminal consequences.

#### ARTICLE IV Vacancies

Section 1. The CMRSSCC shall find that a vacancy exists upon receipt of a resignation in writing from one of its members or upon receipt of a written report from the planning group's secretary reporting the third consecutive absence or fourth absence in the 12-month period of April through March each year, of a member(s) from the planning group's regular meetings.

A vacancy may also exist following a vote of a community planning group, as described in Article III, Section 5 of Council Policy 600-24 related to ineligibility, or following conclusion of a member-removal process conducted under Article IX of the Policy, or due to adopted bylaws violations.

Section 2. Vacancies that may occur on the CMRSSCC ~~should~~ shall be filled not later than 120 days following the date of the determination of the vacancy. The term of office of any member filling a vacancy shall be for the balance of the vacated term.

The CMRSSCC shall fill vacancies within four months after the time the vacancies are declared. Vacancies shall be filled by selection by planning group members within four months after the time the vacancies are declared.

Two or more concurrent CMRSSCC vacancies shall be filled by a vote of all eligible members of the community by secret written ballot.

Section 3. When the CMRSSCC is unable to fill a vacancy within 120 days, as specified above, and the planning group has more than twelve members, a search for a new member should continue, however either the seat may remain vacant until the next planning group election, or these bylaws may be amended to permit decreased membership to a minimum of 12 members. If a vacancy remains for more than 60 days from the time a

vacancy is declared, and there are less than 12 elected planning group members in good standing, the planning group shall report in writing the efforts made to fill the vacancy to the City. If, after 60 additional days, the planning group membership has not reached 12 members, the planning group will be deemed inactive until it has attained at least 12 members in good standing.

#### ARTICLE V Elections

Section 1. General elections of CMRSSCC members shall be held during the month of March in accordance with the adopted elections procedures as found in Article VIII.

The CMRSSCC's general elections shall be held annually.

The deadline to qualify for candidacy in the March general election shall be prior to the February noticed regular or special meeting of the full planning group membership preceding the election. The planning group's Election subcommittee shall be established no later than January and shall begin soliciting eligible community members to become candidates. In February, the Election subcommittee shall present to the planning group a complete list of interested candidates collected up to that point in time. Candidates may be added at the February meeting. A candidate forum may be advertised and held at the February meeting.

In order to be a candidate in the March election, an eligible member of the community [see Article III, Section 2] must have documented attendance at two meetings of the CMRSSCC's last 12 meetings prior to the February regular meeting preceding the election.

Section 2. The CMRSSCC shall make a good faith effort to utilize means appropriate to publicize the planning group's eligibility requirements for candidacy and the upcoming elections.

In the election process, the planning group shall seek enough new candidates to exceed the number of seats open for election in order to allow those who have served for eight consecutive years to leave the group for at least one year.

The CMRSSCC holds its election after the adjournment of at the March regular meeting on the same day or at the meeting just prior to the March meeting. NOTE: this language should be changed to indicate that the election is not AT the March election but concurrent to or precedes. It cannot be an agenda item because of the requirement for agenda items to be open votes and election voting is by secret ballot.

The CMRSSCC will require proof of identity of those eligible community members who are seeking to vote in the election. The planning group shall ensure that voting is only by eligible members of the community.

The ballot presented to eligible community members to vote will clearly identify which seats individual candidates are running for, how many candidates can be selected,

whether there are limitations on which candidates various categories of eligible community members can vote for and which candidates, if any, must receive a 2/3 majority of the vote due to service beyond eight or nine consecutive years of service.

The CMRSSCC planning group's policy related to write-in candidates is that write-in candidates are not allowed.

Section 3. Voting **to elect new community planning group members** shall be by secret written ballot. Proxy voting for elections is not allowed under any circumstances. Development and promotion of "slates" of candidates is contrary to the intent of Council Policy 600-24 and is not allowed.

Section 4. The CMRSSCC's election becomes final after announcing the election results at the conclusion of the noticed, regular March monthly planning group meeting. The Chair is responsible for preparing, certifying and forwarding the election report to the City. New members shall be seated in April at the start of the regular meeting in order to allow their full participation as elected members at the April planning group meeting.

Any challenge to the election results must be filed with the chair of the Elections subcommittee in writing within 24 hours of the counting of the ballots in order to allow enough time to resolve the issue.

Section 5. Article VIII, Section 1(e) contains all voting procedures, including: voting time/s; voting locations/s; voting eligibility; candidate eligibility; elections committee establishment and responsibilities; promotion of elections; counting votes [plurality, etc.]; ballots; reporting election results to the Chair, and, election challenge criteria and procedures.

**NOTE: see enclosed Elections handout to assure that Article VIII does address all the election topics listed on the handout**

#### ARTICLE VI Community Planning Group and Planning Group Member Duties

Section 1. It is the duty of the CMRSSCC to cooperatively work with the City throughout the planning process, including but not limited to the formation of long-range community goals, objectives and proposals or the revision thereto for inclusion in a General or Community Plan.

It is the duty of all planning group members to conduct official business of the planning group in a public setting. It is recognized that the officers of the planning group may oversee administrative business of the planning group, such as the assembling of the draft agenda, in preparation for public discussions. However, all substantive discussions about agenda items or possible group positions on agenda items shall occur at the noticed planning group meetings.

It is the duty of a planning group as a whole, and of each individual member, to refrain from conduct that is detrimental to the planning group or its purposes under Council

Policy 600-24. No member shall be permitted to disturb the public meeting so as to disrupt the public process as set forth on the planning group's agenda.

Section 2. (a) Meeting Procedures

It shall be the duty of each member of the CMRSSCC to attend all planning group meetings.

(i) REGULAR AGENDA POSTING - At least 72 hours before a regular meeting, the agenda containing a brief general description of each agenda item shall be posted. The brief general description of each agenda item need not exceed 20 words per item unless the item is complex. The agenda shall also provide notice of the date, time and location of the meeting. The agenda shall be posted in a place freely accessible to the general public and shall include information on how a request for accessible accommodation may be made.

The listing of the agenda item shall include the intended action of the planning group regarding that item [e.g., information item, action item].

The agenda shall be offered to the City for posting on the City's website and will be posted in the Carmel Mountain Ranch branch of the San Diego Library 72 hours in advance of the meeting. NOTE: do you have a website? If so, say that the agenda should be posted to that website 72 hours in advance of the meeting.

(ii) PUBLIC COMMENT- Any interested member of the public may comment on agenda items during regular or special planning group meetings. In addition, each agenda for a regular planning group meeting shall allow for a public comment period at the beginning of the meeting for items not on the agenda but are within the scope of authority of the planning group. Planning group members may make brief announcements or reports to the planning group on their own activities under the public comment section of the agenda. The planning group may adopt time limits for public comment to ensure operational efficiencies.

(iii) ADJOURNMENTS AND CONTINUANCES - If the CMRSSCC does not convene a regularly scheduled meeting, there shall be a copy of the "Notice of Adjournment" of the meeting posted on or near the door of the place where the adjourned meeting was to be held within 24 hours after the time the meeting was to be held.

If a meeting is adjourned because less than a quorum was present, a new regular meeting agenda must be prepared. If a meeting is adjourned because no members of the planning group were present, the subsequent meeting, if not a regular meeting, must be noticed as if a special meeting.

(iv) CONTINUED ITEMS - If an item is continued from a prior regular meeting to a subsequent meeting more than 5 days from the original meeting, a new agenda must be prepared as if a regular meeting; otherwise the original meeting agenda is adequate.

(v) CONSENT AGENDA - For items to be considered for a "Consent Agenda" all of the following are required:

1. A subcommittee of the planning group has discussed the item at a noticed subcommittee meeting,
2. All interested members of the public were given an opportunity to address the subcommittee, and
3. The item has not substantially changed since the Subcommittee's consideration.

The comments of the subcommittee and those made by interested members of the public should be reflected in the minutes of the subcommittee. Any interested member of the public may comment on a consent agenda item. Any interested member of the public may take a consent agenda item off the consent agenda by request.

(vi) QUORUM AND PUBLIC ATTENDANCE - A quorum, defined as a majority of non-vacant seats of a planning group, must be present in order to conduct business, to vote on projects, and to take actions at regular or special planning group meetings.

No member of the public shall be required, as a condition of attendance at any meeting of the planning group, to register or provide any other information. Any attendance list or request for information shall clearly state that completion of such information is voluntary. No member of the public may be charged a fee for admittance.

(vii) DEVELOPMENT PROJECT REVIEW - The CMRSSCC may not, as a condition of placing an item on the agenda, require applicants to submit additional information and materials beyond which the applicant has been required to submit as part of the City's project review application process.

When reviewing development projects, the planning group shall allow participation of affected property owners, residents and business establishments within proximity to the proposed development.

The planning group shall directly inform the project applicant or representative in advance each time that such review will take place and provide the applicant with an opportunity to present the project.

(viii) ACTION ON AGENDA ITEMS - An item not noticed on the agenda may be added if either two-thirds of the voting members of the CMRSSCCentire elected membership, or

every member if less than two-thirds of the voting members of the CMRSSCC are present, determine by a vote that there is a need to take an immediate action, but only if the need for action came to the attention of the planning group subsequent to the agenda being posted.

A two-thirds vote of the voting members of the CMRSSCC is required to remove an elected community planning group member in accordance with Article IX.

Removing a member due to ineligibility in accordance with Article III, Section 2 requires a majority vote of the voting members of the CMRSSCC for the purpose of ratifying the findings presented by the Secretary to the group.

Amendments to adopted bylaws require a two-thirds vote of the voting members of the CMRSSCC.

A vote to approve a community plan update or a community plan amendment requires a majority vote of the voting members of the CMRSSCC.

All other CMRSSCC actions, including subcommittee votes, only require a simple majority of the voting members of the group in attendance when a quorum is present.

The CMRSSCC planning group's chair fully participates in planning group discussions and votes on all action items.

The planning group shall not engage in, or allow, secret ballot or proxy voting on any agenda item. Other methods of absentee voting on agenda items, such as by telephone or by e-mail are also prohibited.

Votes taken on agenda items shall reflect the positions taken by the elected or appointed positions on the planning group identified in Article III, Section 1 of Council Policy 600-24.

(ix) COLLECTIVE CONCURRENCE - Any attempt to develop a collective concurrence of the members of the CMRSSCC as to action to be taken on an item by members of the planning group, either by direct or indirect communication, by personal intermediaries, by serial meetings, or by technological devices, is prohibited, other than at a properly noticed public meeting.

(x) SPECIAL MEETINGS - The chair of the CMRSSCC, or a majority of planning group members, may call a special meeting. An agenda for a special meeting shall be specified as such, and shall be prepared and posted at least 24 hours before a special meeting. Each member of the planning group shall receive the written notice of the meeting at least 24 hours before the time of the meeting as specified in the notice unless the member files with the planning group secretary a written waiver of notice at, or prior to the time of, the meeting. Written notice shall be delivered to each local newspaper of

general circulation and radio or television station requesting notice in writing at least 24 hours before the time of the meeting. The notice shall identify the business to be transacted or discussed at the meeting. No other business shall be considered at this meeting. Public testimony on agenda items must be allowed; however, the non-agenda public comment period may be waived.

(xi) EMERGENCY MEETINGS - Emergency meetings, requiring no public notice, are called for matters related to public health and safety. These matters are outside of the purview of the CMRSSCC and are prohibited under these by-laws.

(xii) RIGHT TO RECORD - Any person attending a meeting of the CMRSSCC must be allowed to record or photograph the proceedings in the absence of a reasonable finding by the planning group that the recording cannot continue without noise, illumination, or obstruction of view that constitutes, or would constitute, a persistent disruption of the meeting.

(xiii) DISORDERLY CONDUCT - In the event that any planning group meeting is willfully interrupted by a person or group of persons, so as to make the orderly conduct of the meeting infeasible, the planning group may first cause removal of the individual or individuals. If that is unsuccessful then the planning group may order the meeting room cleared and continue in session on scheduled agenda items without an audience, except that representatives of the media shall be allowed to remain. The planning group may also re-admit an individual or individuals who were not responsible for the disruption.

(b) Subcommittees

The CMRSSCC may establish standing and ad hoc subcommittees when their operation contributes to more effective discussions at regular planning group meetings.

(i) STANDING SUBCOMMITTEES - Pursuant to the purpose of the CMRSSCC as identified in Article II, Section 1, the planning group has established no standing subcommittees but will create, as needed, an ad hoc subcommittee to address a particular planning or operational matter, such as the Elections subcommittee.

(ii) AD HOC SUBCOMMITTEES - Ad hoc subcommittees may be established for a finite period of time to review more focused issue areas and shall be disbanded following their review.

(iii) SUBCOMMITTEE COMPOSITION - Subcommittees shall contain a majority of members who are members of the planning group.

Non-members, who are duly appointed by a planning group to serve on a subcommittee, may be indemnified by the City in accordance with Ordinance No. 0-

19883 NS, and any future amendments thereto, provided they satisfy any and all requirements of the Administrative Guidelines.

(iv) RECOMMENDATIONS - Subcommittee recommendations must be brought forth to the full planning group for formal vote at a noticed public meeting. In no case may a committee or subcommittee recommendation be forwarded directly to the City as the formal recommendation of the planning group without a formal vote of the full planning group.

(c) Abstentions and Recusals

(i) RECUSALS - Any member of the CMRSSCC with a direct economic interest in any project that comes before the planning group or its subcommittees must disclose to the planning group that economic interest, and must recuse from voting and not participate in any manner as a member of the planning group for that item on the agenda.

(ii) ABSTENTIONS – In limited circumstances, a planning group member may abstain from either voting on an action item or participating or voting on an action item. The member must state, for the record, the reason for abstention.

(d) Meeting Documents and Records

(i) AGENDA BY MAIL - Requests to mail copies of a regular agenda, and any accompanying material, shall be granted. Such materials shall be mailed when the agenda is posted, or upon distribution to a majority of the members of the community planning group, whichever occurs first. A request to receive agendas and materials may be made for each calendar year and such request is valid for that entire year, but must be renewed by January 1 of the following year. A cost-recovery fee may be charged for the cost of providing this service.

(ii) AGENDA AT MEETING - Any written documentation, prepared or provided by City staff, applicants, or planning group members that is distributed at the planning group meeting, shall be made available upon request for public inspection without delay. If such material is distributed at the planning group meeting, then it shall be made available upon request at the meeting. If such material is prepared by someone other than City staff, applicants, or planning group members, or is received from a member of the public during public testimony on an agenda item, then the material shall be made available for public inspection at the conclusion of the meeting. A cost-recovery fee may be charge for the cost of reproducing any the materials requested by an individual or individuals.

(iii) MINUTES - For each planning group meeting, a report of CMRSSCC member attendance and a copy of approved minutes shall be retained by the planning group, and shall be available for public inspection. A copy of the draft minutes should be made



available for public inspection as soon as possible but no later than the group's next regularly scheduled meeting. ~~NOTE: if you have a website you could say you'll post them to your website.~~ The minutes of each planning group meeting shall include the votes taken on each action item and reflect the names for, against and abstaining when the vote is not unanimous. Recusals shall also be recorded. Minutes should record speakers and public testimony, and whether each project applicant (whose project was subject to planning group action) appeared before the planning group. If an applicant did not appear before the planning group then the meeting minutes must indicate the date when and type of notification (e.g. electronic, telephonic, facsimile) provided to the applicant requesting his or her appearance at the planning group meeting. A copy of the approved minutes shall be submitted to the City within 14 days after approval by the planning group. ~~NOTE: if you have a website, say that you shall post the approved minutes to your website within 14 days of approval.~~

The CMRSSCC is not required to audio or videotape meetings but if recordings are made, they are subject to a public request to inspect without charge. A cost-recovery fee may be charged for copies of recordings.

(iv) RECORDS RETENTION - CMRSSCC records must be retained for public review. ~~City staff will establish a records retention schedule and method for collection and storage of materials that will be utilized by all planning groups.~~ ~~Community planning group records are meeting agendas and any other writings that are distributed to at least a majority of the group members in connection with a matter subject to consideration at an open meeting of the group. Community planning group records do not include writings that are required to be submitted to the city in accordance with Council Policy 600-24 to substantiate and document the planning group operations and compliance. The planning group also receives materials that do not qualify as records. The Administrative Guidelines discuss categories of material that are City records, community planning group records, and non-records.~~

Section 3. It shall be the duty of the CMRSSCC and its members to periodically seek community-wide understanding of and participation in the planning and implementation process as specified in Article II, Section 1. The planning group shall give due consideration to all responsible community attitudes insofar as these are deemed to be in the best long range interest of the community at large.

Section 4. It shall be the duty of the CMRSSCC to maintain a current, up-to-date roster of the names, terms, and category/qualifications of planning group members in its possession, and to forward the current roster, as well as any updates, to the City. The planning group must also submit to the City, ~~by the end of March each year,~~ an annual report of accomplishments for the past ~~12 months~~ calendar year and anticipated objectives for the coming year related to Article II, Section 1 above. Rosters and annual reports constitute disclosable records under the Brown Act.

**Comment [BF1]:** I have not been forwarding the minutes post-approval, but I can, so I am OK with this.

Section 5. The CMRSSCC may develop a policy for financial contributions from the citizens of the community for the purposes of furthering the efforts of the planning group to promote understanding and participation in the planning process. However, no membership dues shall be required and no fee may be charged as a condition of attendance at any planning group meeting. All contributions must be voluntarily made, and no official planning group correspondence may be withheld based on any individual's desire to not make a voluntary contribution.

Section 6. Each elected CMRSSCC member is required to attend an orientation training session administered by the City as part of planning group and individual member indemnification pursuant to Ordinance No. O-19883 NS, and any future amendments thereto. If it is not possible for a new member to attend the training session as required, or if a new member is seated through a special election or in a month other than March, then the member shall successfully complete the online orientation training.

As required by O-19883 NS, nN Newly seated planning group members must complete a basic orientation training session within 60 days12 months of being elected or appointed to a planning group or the member will be ineligible to serve.

#### ARTICLE VII Planning Group Officers

Section 1. The officers of the CMRSSCC shall be elected from and by the members of the planning group. Said officers shall consist of a Chairperson, Vice Chairperson and Secretary. The length of an officer's term shall be two years except that no person may serve in the same planning group office for more than eight or nine consecutive years. After a period of one year in which that person did not serve as an officer that person shall again be eligible to serve as an officer.

Section 2. Chairperson. The Chairperson shall be the principal officer of a recognized community planning group and shall preside over all planning group and community wide meetings organized by the planning group. Additional duties include: setting the agenda, and being the point of contact for development applicants.

Appeals of discretionary decisions to the City shall be made by the Chairperson or, if necessary because of direct economic interest or absence, by a designee identified to appeal that particular action on behalf of the planning group.

Section 3. Vice-Chairperson. In the absence of the Chairperson, the Vice Chairperson shall perform all the duties and responsibilities of the Chairperson.

Section 4. Secretary. The Secretary shall be responsible for the planning group's correspondence, attendance records, and minutes and actions [including identification of those planning group members that constitute a quorum, who vote on an action item, and who may abstain or recuse and the reasons], and shall assure that planning group members and

members of the public have access to this information. The Secretary may take on these responsibilities or may identify individuals to assist in these duties.

- Section 5. The Chairperson shall be a recognized community planning group's representative to the Community Planners Committee (CPC). However, by vote of the planning group, a planning group member other than the chair may be selected as the official representative to CPC with the same voting rights and privileges as the chair. Designation of a member other than the chair for either representative, as well as for the planning group's alternate to CPC shall be forwarded in writing to the staff representative to CPC prior to extension of voting rights and member attendance.
- Section 6. The CMRSSCC officers and representatives to the CPC shall promptly disseminate to all elected planning group members pertinent information that is received by the planning group regarding its official business.

#### ARTICLE VIII Planning Group Policies and Procedures

- Section 1. The CMRSSCC bylaws incorporate policies and procedures directed by Article I through VII of Council Policy 600-24. These bylaws also contain some policies and procedures recommended in Article VIII of Council Policy 600-24.

Listed procedures are grouped by category as follows: Community Participation; Planning Group Composition; Conduct of Meetings; Member and Planning Group Responsibilities; and Elections.

##### (a) Community Participation

The following are the CMRSSCC procedures regarding community participation:

There is no deviation from the set agenda. The community participation will generally occur near the beginning of the meeting under the heading of Public Comment as listed on the agenda (Article VIII, Section 1c below); **although testimony will be accepted from the public on all items that the CMRSSCC schedules as action items. Time limits for testimony will be set by the chair and may vary by complexity of an item and number of speakers.**

##### (b) Planning Group Composition

The following are CMRSSCC procedures pursuant to Article III, Section 2 regarding planning group composition:

There is no deviation for Article III.

##### (c) Conduct of Meetings

The following are the CMRSSCC procedures regarding conduct of planning group meetings:

Monthly agendas are posted in the Carmel Mountain Ranch Library. The general outline will include the following:

- I. Call to order
- II. Vote to approve meeting agenda
- III. Introduction of Board Members
- IV. Approval of minutes
- V. CMRSSCC Business
  - a. Public Comment
  - b. Neighborhood Police Report
  - c. CMR Fire Station Report
  - d. Assemblyman Report
  - e. Supervisor Report
  - f. Councilman Report
  - g. San Diego Planning Dept Report
  - h. State Senator Report
  - i. Mayor Report
  - j. Congressman Report
  - k. Chair's Report
  1. Old Business
  - m. New Business
  - n. Action Items
- VI. Adjournment

Meetings are posted in local newspapers.

(d) Member and Planning Group Responsibilities

The following are the CMRSSCC procedures regarding member and planning group responsibilities:

Members shall not have more than three unexcused absences from monthly meetings.

**NOTE: there is no such thing as an excused absence anymore – all absences fall under Article IV, Section I.**

(e) Elections **NOTE: this reference to the Admin Guidelines is fine to use. See Elections handout and be sure that this section contains all topics listed in the handout – between Article V and Article VIII all topics should be covered – looks like many of them are below.**

The Administrative Guidelines provides general guidance for planning group elections. The following are procedures pertaining to the elections provisions of these by laws:

#### Conduct of Elections

1. Election Subcommittee: The Election Subcommittee shall consist of the Vice-Chairperson and three other Committee members who are elected by the Committee at the regularly scheduled October meeting. No member running for election shall serve as a member of the Election Subcommittee. If the Vice-Chairperson is running for re-election, the Committee shall elect someone to replace her/him as the Chair of the Election Subcommittee
2. Election Meeting: The election meeting shall take place in March at the location of the regularly scheduled Committee meeting or at a special election meeting in March at the Committee's discretion. At the election meeting, the Vice-Chairperson (or approved replacement if the Vice-Chairperson is running for re-election) shall conduct and manage the election with the assistance of the Election Subcommittee. Other Committee members may assist in the process so long as they are not candidates in the election.
3. Publication of Election: A notice of election and solicitation of candidates shall be posted in a community newspaper and/or multiple community forums no later than January preceding the March election.
4. Candidate Eligibility: An individual is qualified to run for a seat on the CMRSSCC if she/he is an eligible member of the community, as described in Article III, Section 2.

The CMRSSCC will not allow write-in candidates.

Determination of eligibility shall be the responsibility of the Election Subcommittee and a formal record of this eligibility shall be kept.

5. Electioneering: there shall be no electioneering (handing out election slate materials, soliciting votes by candidates, etc.) within 100 feet of the voting premises.
6. Voter Eligibility: An individual is eligible to vote in the CMRSSCC if she/he is a Recognized Community Member, as described in Article III, Section 2, and provides proof of such eligibility. Proof of eligibility shall consist of:
  - a. A valid CA driver's license or CA ID with an address located within the CMRSSCC area, or
  - b. A current utility bill (within the last 2 months) with the name and address within the CMRSSCC area (plus some acceptable form of picture identification), or

- c. A property tax statement with the name and address within the CMRSSCC area (plus some acceptable form of picture identification), or
- d. Such other identification deemed acceptable by an Election Subcommittee member.

All prospective voters shall sign the voter log, which requires name, address, and if applicable, business name. This log shall be kept by the Vice-Chairperson or in the event that the Vice-Chairperson is running for office, by the Chairperson of the CMRSSCC as a permanent record of the election proceedings.

7. Counting of Ballots: Counting shall be done by the Election Subcommittee members.

8. Election Results: Election results shall be determined by Plurality Vote, as when the candidates for available seats who receive the highest number of votes cast are elected irrespective of the percentage of votes received by any candidate. The election results shall be reported by the Chairperson of the CMRSSCC (or their designee if the Chairperson is running for re-election) so that the results may be announced at the Election Meeting.

9. The Vice-Chairperson in her/his capacity as Election Chairperson shall keep all election materials (ballots, voter log, etc.) for at least six (6) months. In the event the Vice-Chairperson is running for re-election, the Chairperson will keep all election materials. At the end of that period, the materials may be destroyed. In disputed elections, the City of San Diego’s Neighborhood Planning Department, or other City agency, at the Election Subcommittee’s discretion, may take responsibility for election materials.

10. Challenges to the eligibility of a candidate to run for the CMRSSCC should be brought to the attention of the Election Subcommittee. In order to facilitate these challenges, the Election Subcommittee will make the eligibility record (See item 4 in this subsection) available to any member of the public (at her/his own expense) who requests it.

11. Election Challenges: Challenges to the election shall be made to the Elections Subcommittee within 48 hours of the election. With the exception of ballots, copies of all election materials shall be made available to the public at the expense of the party making the request. [NOTE: you may also want to refer to the Admin Guidelines – the forthcoming discussion on election challenge details the steps in a challenge process. See the Elections handout where the Admin Guidelines language is attached](#)

ARTICLE IX Rights and Liabilities of Recognized Community Planning Groups

Section 1. Indemnification and Representation. The CMRSSCC and its duly elected or appointed members have a right to representation by the City Attorney and a right to

**Comment [BF2]:** I think only a reference to Section 4 of the Administrative Guidelines is needed; the text states: “If a challenge is received, the Elections Subcommittee immediately discusses the challenge to determine if there is any substance provided by the individual filing the challenge and whether: either there is no substance to the challenge and the election results can be certified, new members can be seated in April and a ratification vote of the Subcommittee’s findings can be placed on the April agenda for a majority vote of the voting members of the community planning group; OR whether there is substance to the challenge and the group officers should discuss with the Subcommittee the appropriate resolution, including declaring a seat vacant and determining how to fill it, or declaring a new election is needed.” I would replace this text with ‘Refer to Section 4 of the Administrative Guidelines.’”

indemnification by the City under Ordinance 0-198836 NS, and any future amendments thereto, if the claim or action against them resulted from their obligation to advise and assist the City and its agencies with land use matters as specified in Council Policy 600-24, Article II, Section 1; their conduct was in conformance with the Policy and these bylaws; and all findings specified in the ordinance can be made.

Section 2. Brown Act Remedies. The CMRSSCC and its duly elected members may be subject to both Council Policy 600-24 violations as described in Section 3 below and penalties provided for in the Brown Act. The Brown Act includes criminal penalties and civil remedies. Both individual members of the planning group, as well as the planning group itself, may be subject to civil remedies. Under certain circumstances, individual planning group members may face criminal misdemeanor charges for attending a meeting where action is taken in violation of the Brown Act, and where the member intended to deprive the public of information to which the member knows or has reason to know the public is entitled. Alleged violations will be reviewed and evaluated on a case-by-case basis.

Section 3. Council Policy 600-24 Violations and Remedies.

(a) Alleged Violations by a Member of the CMRSSCC

In cases of alleged violations of the CMRSSCC bylaws or Council Policy 600-24 by a planning group member, the planning group may conduct an investigation consistent with the Administrative Guidelines and these bylaws.

A complaint that an individual member of a planning group violated one or more provisions of the planning group's bylaws or Council Policy 600-24 may be submitted to the planning group chair by any individual, including another planning group member. The complaint should be filed within 90 days of the alleged violation.

If, after a thorough investigation, the planning group determines that the individual member has violated a provision of these bylaws or Council Policy 600-24, the planning group shall, where feasible, seek a remedy that corrects the violation and allows the member to remain as a member of the planning group.

If corrective action or measures are not feasible, the planning group may remove a member by a two-thirds vote of the voting members of the recognized community planning group. The vote to remove the group member shall occur at a regularly scheduled public meeting subject to the procedures outlined in the Administrative Guidelines and these bylaws.

If the planning group member found to be out of compliance with the provisions of these bylaws or Council Policy 600-24, the planning group risks loss of indemnification [legal protection and representation] pursuant to Ordinance No. 0-19883 NS, and any future amendments thereto.

Investigation procedures for elected member violations are outlined below:

Any action by the CMRSSCC to discipline or remove a member must occur at a scheduled planning group meeting and be advertised on the agenda as an action item. Due to the significant nature of removing an elected member, and to ensure a fair and public process, the procedures for investigating a violation of a member are listed below:

Documenting a violation:

- A complaint that a violation of bylaws of Council Policy 600-24 has occurred will be presented to the planning group chair. If the complaint is about the chair, it may be presented to any other officer of the planning group.
- The complaint should be detailed enough to provide a description of, and timeframe within which, the alleged violation was committed and who was responsible for the violation.
- The complaint should provide a citation of the bylaws or Council Policy 600-24 provisions of which the action is claimed to violate. If the complaint is from someone other than another planning group member, the chair [or other officer] may assist in providing appropriate citations to assist the complainant.
- The chair will confer with the planning group officers [exception: if an officer is the subject of the grievance or has a business or personal relationship with the alleged violator] regarding the complaint.
- The chair shall create a written record of the complaint and alleged violation to share with the alleged violator.

Procedures for administering and acting on investigating a violation: [While the authority for this process rests with this planning group, City staff may be contacted for assistance at any point in the process.]

- Once the information about an alleged violation is completed in writing, the chair, with assistance from the planning group officers, will meet and talk with the planning group member against whom the violation is alleged. The allegations will be presented and the planning group member shall be given opportunity for rebuttal.
- If the chair, with assistance from the planning group officers, determines that no violation has actually occurred, the chair may record this in the written record of the complaint.
- If the chair, with assistance from the planning group officers, determines that a violation has occurred but the situation can be remedied either by action of



the planning group or by the planning group member, then the chair will outline the necessary actions to achieve the remedy.

- If the chair, with assistance from the planning group officers, determines that the situation cannot be remedied and that the interests of the community and CMRSSCC would best be served by the removal of the planning group member, then the chair shall set the matter for discussion at the next planning group meeting. The planning group member who committed the violation shall be given adequate notice about the meeting discussion, and will be given the opportunity to resign prior to docketing the matter for a planning group discussion.

Presenting a violation to the planning group:

- The matter of removing a seated planning group member will be placed on the planning group's agenda as a potential action item. Supporting materials from the chair or from the offending planning group member will be made available to the elected planning group members prior to the meeting.
- The matter will be discussed at the planning group's regular meeting with opportunity given to the planning group member who committed the violation to present their case and/or rebut documentation gathered by the chair with the assistance of the planning group officers. The member may also request a continuance of the item to gather more information to present to the planning group.
- At the end of the discussion, the planning group may, by a 2/3 vote of the recognized community planning group, choose to remove the member.

Recourse for expelled member:

- There is no appeal available to an elected planning group member removed by a 2/3 vote of **the voting members of** their recognized community planning group.
- The planning group member's seat shall be immediately declared vacant and subject to provisions of Article IV.
- The removal of a planning group member by a 2/3 vote of **the voting members of** their recognized community planning group will not prohibit the member from running for a planning group seat in future scheduled elections.

(b) Alleged Violations against the CMRSSCC as a Whole

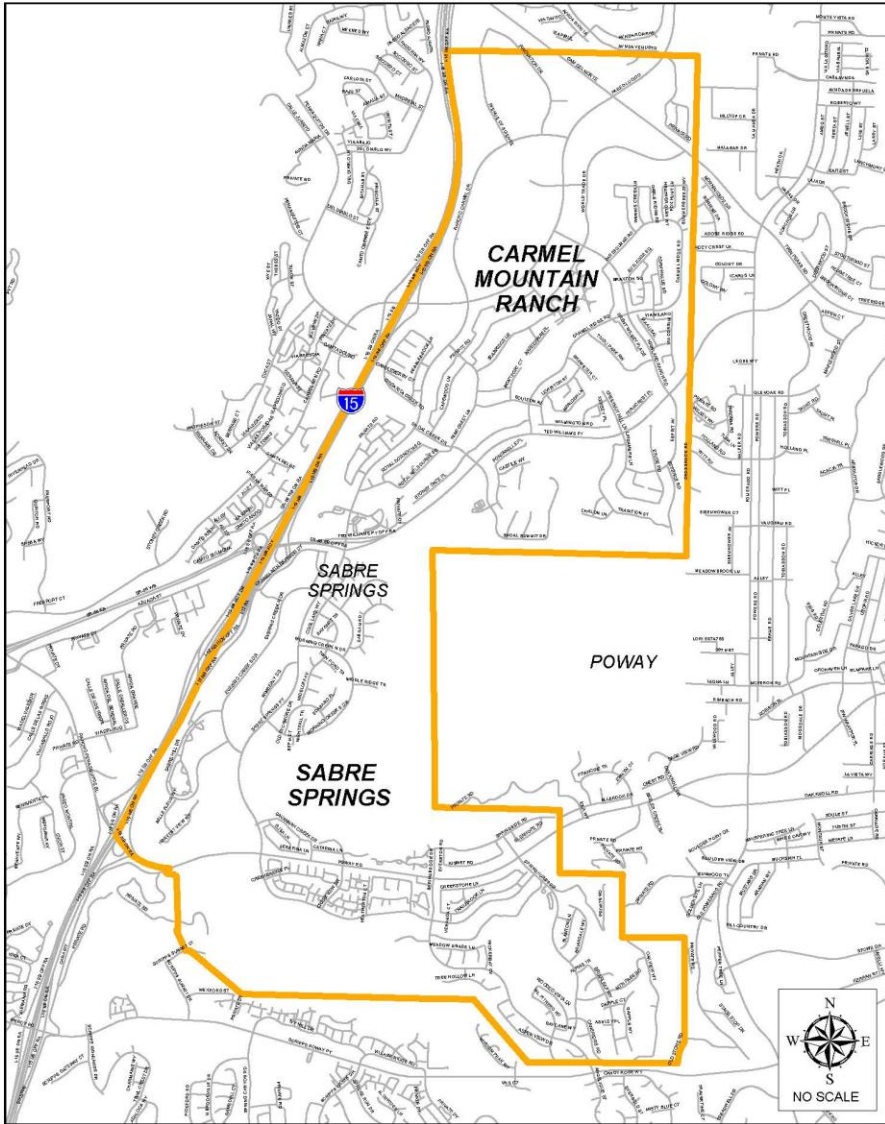
In the case of an alleged violation of the planning group's bylaws or of Council Policy 600-24 by the planning group as a whole or multiple members of the planning group,

the violation shall be forwarded in writing to the City. The Mayor's Office will engage in a dialogue with the planning group, determining the validity of the complaint, and seeking resolution of the issue or dispute. The CMRSSCC will work with the City toward a solution and the planning group recognizes that, in accordance with Council Policy 600-24, the City may consult with the Community Planners Committee.

If a violation against the planning group as a whole is proven and there is a failure of the planning group to take corrective action, the planning group will forfeit its rights to represent its community as a community planning group recognized under Council Policy 600-24. Such a determination resulting in the forfeiture of a seated group's rights to represent its community shall be based on a recommendation by the Mayor's Office to the City Council. A planning group shall not forfeit its recognized status until there is an action by the City Council to remove the status. The City Council may also prescribe conditions under which official recognition will be reinstated.

If the planning group is found to be out of compliance with the provisions of this Policy not subject to the Brown Act or its adopted bylaws it risks loss of indemnification [legal protection and representation] pursuant to Ordinance No. 0-19883 NS, and any future amendments thereto.

Exhibit A: CMRSSCC Boundary Map



**EXHIBIT "A"**

**Boundary Map-Carmel Mountain Ranch/Sabre Springs**  
 CITY OF SAN DIEGO • DEVELOPMENT SERVICES DEPARTMENT

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